

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIADRY CREEK RANCHERIA BAND OF POMO
INDIANS, a federally recognized Indian tribe,

Complainant,

vs.

SONOMA-MARIN AREA RAIL TRANSIT
DISTRICT and NORTH COAST RAILROAD
AUTHORITY,

Defendants.

Case 13-10-008
(Filed October 10, 2013)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in this proceeding to October 10, 2015.

Background

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the statutory deadline for its resolution is October 10, 2014.

On October 10, 2013, the Dry Creek Rancheria Band of Pomo Indians (hereafter Tribe or Complainant) filed a complaint against the Sonoma-Marin

Area Rail Transit District (SMART) and the North Coast Rail Authority (NCRA), (collectively Defendants), seeking an order that the named Defendants construct and maintain two crossings for use by the Tribe to access adjoining parcels of the Tribe's land separated by SMART's railroad right of way.

A prehearing conference was held on January 8, 2014. On February 14, 2014, a scoping ruling was issued setting the scope and schedule of the proceeding. On March 10, 2014, a notice assigning an Alternative Dispute Resolution (ADR) ALJ was sent to the parties to provide them the opportunity to use this Commission service.

Due to this development, additional time is necessary to address the results of the ADR negotiations, hold hearings on this matter if necessary, and to issue a Presiding Officer's Decision. Therefore the statutory deadline for resolving this matter should be extended to October 10, 2015.

Waiver of Comments Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review is being waived.

Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Dan H. Burcham is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The complaint Case 13-10-008 was initiated on October 10, 2013.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.

3. Parties have entered into ADR negotiations to consider options to settle the case.

4. An extension of the 12-month deadline is necessary to allow the assigned ALJ time to receive the results of the ADR negotiations, hold hearings on this matter if necessary, and to issue a Presiding Officer's Decision.

Conclusions of Law

1. The statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until October 10, 2015.

2. This order should be effective immediately.

IT IS ORDERED that the statutory deadline in this proceeding is extended to October 10, 2015.

This order is effective immediately.

Dated _____, at San Francisco, California.